IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

-

WRIT PETITION NO : 9797 of 2004

Between:

Lagadapati Venkatarao, S/o.Venkaiah,
R/o.Mujendla Village & Mandal, Guntur District.

.... PETITIONER

AND

1 The Sub Registrar, Sub Registrar's office,Kavali,Nellore District.
2 The Deputy Inspector General of Registration and Stamps, Guntur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, in the nature of Mandamus, declaring the action of the respondents in not releasing pending document bearing No.P8/2003 dated 10-4-2003 by registering the same in favour of the petitioner under which the petitioner purchased 0.25 cents of site in Sy.No. 364/1, situated in Vinukonda Town, Guntur District, and 220 Sq.yards in S.No. 774/1 situated in Jaladanki Village Kavali Mandal, Nellore District, for valuable consideration and which is pending registration before the 1st respondent and stopped registration at the behest of 2nd respondent as per letter dated 29-3-2003 as being illegal, unjust, arbitrary and violative of Article 14 of the Constitution of India; and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

The grievance of the petitioner is that first respondent having accepted the document presented by him for registration is not registering the same on the ground that he has instructions from the higher authorities not to register documents relating to land of P.A.B.C (Property Association of Baptist Churches) and since the land involved in the sale deed is property of P.A.B.C.

2. As per Section 22-A of Registration Act, only in case where the State Government issues notification in the official Gazettee declaring that registration of any document or class of documents is opposed to public policy, the registering officer can refuse to register such document. In this case, admittedly there is no such notification. Therefore, first respondent refusing to register the document on the ground that he has instructions from higher authorities, though there is no notification under Section 22A of the Registration Act, is improper and contrary to the provisions of the Registration Act. Therefore, the writ petition is disposed of with a direction to the first respondent to register the document presented by the petitioner for registration, if other rules relating to registration are satisfied. No costs.

C.Y.SOMAYAJULU, J

Dated : 16.03.2005

RAR

To

1 The Sub Registrar, Sub Registrar's office,Kavali,Nellore District.
2 The Deputy Inspector General of Registration and Stamps, Guntur.

3 2 CCs to G.P for Revenue, High Court Bldgs, Hyderabad (OUT)

4 2 CD copies.